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MMPA Bulletin

NMFS Is Now: NOAA Fisheries

The National Marine Fisheries Service (NMFS), which supports the domestic and international conservation of living marine resources for the National Oceanic and Atmospheric Administration (NOAA), now calls itself "NOAA Fisheries." The agency provides services and products to support domestic and international fisheries management operations, fisheries development, trade and industry assistance activities, enforcement, protected species, and habitat conservation operations, and the scientific and technical aspects of NOAA's marine fisheries program. The term NOAA Fisheries has been an informal name used over the years, and in 1995, then - Assistant Administrator Rolland Schmitten formalized the term's usage.

Also in 1995, during strategic planning sessions conducted by the agency, it was determined that NOAA Fisheries should develop a more recognizable public image. An "Identity Mark" was designed to be compatible with the existing NOAA seal, thereby helping to identify NOAA Fisheries as part of the NOAA "family." The Identity Mark was also chosen because it is interpretive rather than descriptive. Rather than use only one element of NOAA Fisheries' mission, the design successfully represents the many facets of the Agency: sustainable fisheries, protected resources, and habitat conservation.

In addition to these changes, many of the NMFS or NOAA Fisheries' web sites have changed their addresses too. As of July 26, 2000, the NOAA Fisheries web site addresses will contain the NOAA extension and will read: **www.nmfs.noaa.gov.** Although there are "redirect pages" to help you get to the site you're looking for if you type in the old address. Please be sure to make a note of this address change and update your web site bookmarks if you plan to link to or refer to NOAA Fisheries' web sites in the future.

In This Issue ....

Also inside: Office of Protected Resources publication request form and change of address form.

Office of Protected Resources, NOAA Fisheries

Stop Japan's Whale Killing

The Secretary of Commerce, Norman Y. Mineta, on Japanese Whaling

While President Clinton was signing legislation to protect the oceans, Japan expanded its whale hunt in the North Pacific.

In defiance of international pleas from President Clinton, Britain's Prime Minister Tony Blair and other leaders, Japan has gone beyond hunting smaller minke whales to include the larger sperm and Bryde's whales.

Beginning with the killing of approximately 300 minke whales in 1987, the Japanese research program now claims 440 minke whales annually in the Antarctic. In 1994 Japan expanded its lethal research to the North Pacific with the additional killing of 100 minke whales. Most recently, Japan announced plans to kill 10 sperm and 50 Bryde's whales.

The International Whaling Commission (IWC) banned commercial whaling in the mid-1980s. Thereafter, Japan began a lethal research program in the Antarctic, under an exemption to the convention. Most IWC member countries join the United States in opposing lethal taking of whales for research purposes, and have passed numerous resolutions--most recently last month in Australia--calling on Japan to discontinue its program.

The Japanese argument that all of these whales must be killed in order to collect certain scientific data is preposterous. In fact, members of the IWC scientific committee have repeatedly criticized the basis of the Japanese hunt. The United States and other delegations have even offered Japan scientific assistance in conducting a nonlethal research program to collect the kind of data they seek.

Another alarming factor is that the whale meat from this hunt finds its way to Japanese fish markets and restaurant menus. This Japanese research hunt not only threatens whales that have been safe from harpoon guns since 1987, it threatens the worldwide ban on commercial whaling. We are concerned that the expansion of the Japanese hunt to larger whales is aimed at paving the way for an outright resumption of commercial whaling.

The Clinton-Gore administration and other governments forcefully oppose Japan's latest proposal to take sperm and Bryde's whales. Because Japan has chosen to ignore these diplomatic pleas, we are considering options including trade measures under the Pelly Amendment to the Fishermen's Protective Act of 1967. Shortly, I will have to decide whether to ask the president to consider imposing trade measures against Japan.

America and Japan share a whaling tradition. But in our once-legendary whaling centers, whale watching boats have replaced whaling boats, to the benefit of whales and whaling communities. It's time for Japan to allow these magnificent creatures to recover after decades of killing.

Editors' Note: The United States is a member of the International Whaling Commission (IWC), the international body responsible for the management of whaling. Representatives from NOAA recently attended the 52nd annual meeting of the IWC, held in Adelaide, Australia, from July 3-6, 2000. Major issues discussed at this meeting included a proposal for a new whale sanctuary in the South Pacific and a proposal by Japan to expand its lethal scientific whaling program in the North Pacific.

Following the recent IWC meeting, Japan proceeded with its expanded research program in the North Pacific, an action which has drawn criticism from many IWC-member countries. Under the Pelly Amendment to the Fishermen's Protective Act of 1967, Secretary of Commerce Norman Mineta can certify Japan for this action, an action which would require the President to consider imposing trade measures against Japan. This article was reprinted in its entirety as it appeared in the Washington Post on Sunday, August 27, 2000.

Report Available on Human-Induced Mortality in Small Cetaceans

As a part of the NOAA Technical Memorandum Series, the NOAA Fisheries Office of Protected Resources published "Gross Evidence of Human-Induced Mortality in Small Cetaceans" in July 2000.

The report is designed to assist marine mammal stranding network members in the identification of evidence of adverse human interactions in stranded small cetaceans. Careful documentation of entanglement, gunshot wounds, vessel collisions, blast injury, and other human interactions may facilitate the diagnosis of a cause of death of a stranded dolphin or porpoise. Therefore, it is vital to establish physical criteria diagnostic of various sources of mortality. The report describes external and internal evidence associated with entanglement in fishing gear, gunshot wounds, vessel collisions, and blast injury in small cetaceans, and was prepared by the Nicholas School for the Environment at Duke University Marine Laboratory by Dr. Andrew J. Read and Kimberly T. Murray.

For additional information about this report or to receive a copy, contact Dr. Janet Whaley at: (301) 713-2322, ext. 170.

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Update on the Mass Stranding in the Bahamas

Over an approximately 36-hour period of time in mid-March 2000, there was a multi-species mass stranding event at several locations in the northern Bahamas islands (see *MMPA Bulletin*, Issue No. 18, "Mass Stranding in the Bahamas"). The stranding was reported to Bahamian authorities who requested NOAA Fisheries assistance. Marine mammal scientists sent by NOAA Fisheries conducted postmortem examinations on six of the seven animals that died, and the samples were returned to the United States for analysis. Since then, biologists have conducted various tests and examinations that NOAA Fisheries hopes will help identify possible causes of the strandings.

In addition, NOAA Fisheries has been working closely with the U.S. Navy to gather acoustic, oceanographic, and environmental data to determine whether Naval activities in the area may have had a role in the beaked whale strandings.

On June 5, 2000, a panel of biologists presented their results before a joint workshop with the U. S. Navy which in turn presented findings on acoustic data and fleet movements. The goal of this workshop was to identify further analyses that are needed to determine the specific cause of these strandings. Based on the report of the tissue analyses, gross dissection and microscopic examination showed that all animals believed to have been involved in the mass event were well-nourished (i.e., with good body condition) at the time of death. Additionally, examination of the beaked whale specimens ruled out biotoxins (such as harmful algal blooms or "red tides"), chronic disease, malnutrition, inflammatory disease, neoplasms, fishery related injury, and blunt trauma, such as ship strikes, as the cause.

However, injuries to the five beaked whale heads were all consistent with an intense acoustic or pressure event. All five whales were examined by gross dissection and two of the heads were examined by computerized tomography (CT) scan. All five beaked whales had some evidence of trauma to tissue associated with hearing, sound production, and/or airways. In particular, all had some hemorrhages in or around the ears. Other tissues related to sound conduction, or production such as the larynx and auditory fats, had minor to severe hemorrhages. One animal also had evidence of a hemorrhage in the fluid space around the brain. The injuries revealed in the necropsies were not consistent with a nearby explosion (there were no bone fractures), but could have been caused by a distant explosion, or an intense acoustic event. Postcranial tissues showed minor lesions in heart muscle and minor hemorrhage in lung and kidney tissue that are less indicative of cause than the skull damage. In humans, injuries such as these would have caused extreme discomfort, but do not generally cause permanent hearing loss or death.

Essentially, these animals died from actually stranding on the beach. NOAA Fisheries does not know what caused the animals to strand, but has concluded that it is possible that the animals suffered disequilibrium and disorientation from an acoustic or pressure event. This is based upon the unique physiology of beaked whales and the fact that two species of beaked whales predominated the stranding event.

At this time, NOAA Fisheries is unable to link the biological damage to a specific source of acoustic energy or pressure. However, the coincident transit of the Northeast and Northwest Providence Channels by Navy ships using tactical sonars, and the fact that two species of beaked whales predominated the strandings, suggest a priority need to examine whether injuries of this nature could be caused by exposure, over time, to a combination of Navy tactical sonars.

The two agencies are openly cooperating in this investigation. The U.S. Navy is investigating this issue on a priority basis and is currently preparing a model of the acoustic field produced by the tactical sonars. NOAA Fisheries is working with researchers to examine the stranded whales' inner ears, and this may take at least nine months. Therefore, a final report of this investigation will not be available until early in 2001.

For additional information about this stranding event, contact Dr. Janet Whaley at: (301) 713-2322, ext. 170. For additional information on how manmade noise can affect marine mammals, see page 10, or contact Dr. Roger Gentry at: (301) 713-2322, ext. 155.

Multi-Agency Proposal for Amending the MMPA

In July 2000, NOAA Fisheries, the U.S. Fish and Wildlife Service and the Marine Mammal Commission (MMC) reached consensus on proposed amendments to the Marine Mammal Protection Act (MMPA). The effort to reach consensus involved numerous meetings, conference calls, and group work sessions between the three agencies. In the end, the agencies agreed on a number of enhancements and revisions to the MMPA which would help to standardize many of the provisions in the MMPA, allow for greater ease of enforcement, and strengthen the conservation tools available to the three agencies. The proposed amendments were forwarded to the Office of Management and Budget for review and transmitted formally to the House of Representatives Subcommittee for Fisheries Conservation, Wildlife and Oceans for consideration on August 16, 2000.

The "star" of the proposed amendments is a provision to create a new marine mammal co-management regime in Alaska that would allow for the creation of binding co-management agreements with Native Alaskans to manage and restrict subsistence take of non-depleted marine mammal stocks. This provision would further grant the Secretaries the authority to use (by agreement) Alaskan tribal organizations to enforce the provisions of these co-management agreements. The provision is needed to allow Federal managers and Native Alaskans to address declines in marine mammals stocks, resulting from subsistence takes, before the species declines to such a degree that it needs to be listed as depleted. Tribally authorized organizations in Alaska are strongly in favor of this provision.

The "star" of the proposed amendments is a provision to create a new marine mammal co-management regime ... to manage and restrict subsistence take of non-depleted marine mammal stocks.

Another important amendment would revise the definition of "harassment" designed to eliminating ambiguities and clarify when a given action would be considered harassment of a marine mammal. The amendments also include proposed increases in appropriations for the Departments of Commerce and Interior, and the MMC to carry out their responsibilities under the MMPA.

Other amendments would modify certain provisions to reflect those circumstances when export, transport, sale, or purchase of a marine mammal or marine mammal product is or may be authorized. The MMPA Amendments of 1994 added a prohibition on the export of marine mammals but, while section 104 was amended to reflect this, corresponding changes were not made to other sections of the MMPA.

A number of proposed changes are related to fishery interactions. One provision eliminates ambiguity in current language by requiring registration to engage in a Category I or II fishery. Another provision expands coverage of the incidental take regime (i.e, categorization, monitoring, take reduction) to include recreational fisheries because there is evidence of marine mammal takes by recreational fisheries, however, those fisheries are not exempt from the taking moratorium. Also in the proposal are amendments to enhance efforts, through categorization, monitoring of fisheries, and take reduction process, to address impacts of fisheries on threatened sea otter populations to provide more informed basis for recovery efforts. The proposal also contains clarification that take reduction plans do not need to be developed for strategic stocks have a negligible level of interaction with Category I or II fisheries. Finally, within the fisheries interactions portion of the proposal, there are technical amendments to clarify tuna-dolphin provisions by amending current language to be more consistent with other relevant statutes and international agreements.

With respect to enforcement provisions, the proposal contains provisions to increase the penalties under section 105 and 106 for violations of the MMPA - $50,000 for each civil, and $100,000 for each criminal violation. The proposal allows for the seizure and forfeiture of a vessels cargo for fishing in violation of the provisions of section 118. Specifically, the proposal prohibits activities that undermine implementation and enforcement, e.g., individuals who refuse to permit boardings, interfere with inspections, or intentionally submit false information.

Other changes are proposed, including a prohibition on the release of captive marine mammals without a permit and a prohibition on cetacean traveling exhibits. To enhance enforcement, the obstruction of investigation provision would be modified to make it illegal under the MMPA to refuse a vessel boarding, interfere with an authorized search, or submit false information. Finally, a provision would be added which specifies that the liability coverage provided to stranding responders will be extended to include individuals responding to entanglements.

For additional information about the joint MMPA legislative proposal, contact Donna Wieting or Caroline Good at: (301) 713-2322, extensions 108 and 117, respectively; or Frank Lockhart in the NOAA Office of Legislative Affairs at: (301) 713-2263. You may also refer to MMPA Bulletin Issue No. 17, the Special MMPA Reauthorization Issue for more information.

Inter-American Tropical Tuna Commission Annual Meeting

The 66th Annual Meeting of the Inter-American Tropical Tuna Commission (IATTC) and meet-ings of associated organizations were held in San Jose, Costa Rica, June 7-17, 2000. This included a meeting of the International Review Panel (IRP), a Meeting of the Parties (intergovernmental meeting), and meetings of the IATTC Working Group on Compliance. Among the principal issues discussed were implementation of the International Dolphin Conservation Program (IDCP), setting the 2000 quota and associated management measures for the yellowfin tuna fishery, and consideration of other possible fishery conservation recommendations such as fleet capacity limits, a three-month closure of the purse seine fishery on floating objects, and measures to reduce bycatch in the purse seine fisheries. Other issues included financing the IATTC and renegotiation of the IATTC convention. NOAA Fisheries representatives participated on the U.S. Delegation at the meetings, along with representatives of the Department of State, as well as the U.S. tuna fishing industry and non-governmental organizations.

The IATTC meets annually to review the status of tuna and dolphin stocks in the eastern tropical Pacific Ocean (ETP), its tuna and dolphin scientific research programs, and the previous year's tuna harvest. Future research programs and appropriate harvest guidelines for monitored species are recommended, and the IATTC's budget for the following fiscal year is discussed and approved. The IRP meets three times a year to review and report on compliance with the IDCP in the ETP. The IRP is responsible for assigning Dolphin Mortality Limits set forth under the IDCP and identifying any possible infractions by the vessels of nations participating in the program. Concurrent with the June IRP meeting, the working group on fishing on floating objects met to discuss bycatch data and management options for this portion of the fishery.

Through participation in the IATTC, NOAA Fisheries has been able to work with nations participating in the ETP tuna purse seine fishery to achieve unprecedented success in decreasing dolphin mortality and protecting other living resources in the ETP. U.S. participation at these meetings is critical to the success of the tuna/dolphin program, as well as to the success of other international marine conservation measures.

For additional information about NOAA Fisheries participation in the IATTC, contact J. Allison Routt or Svein Fougner at: (562) 980-4020.

Finding Process to Lift Tuna Embargoes

On January 3, 2000, NOAA Fisheries published the Interim Final Rule to Implement the Provisions of the International Dolphin Conservation Program Act (IDCPA) (see *MMPA Bulletin*, Issue No. 18, "NMFS Publishes the Interim Final Rule to Implement the IDCPA"). In accordance with these regulations, nations seeking to import yellowfin tuna harvested by purse seine in the eastern tropical Pacific Ocean (ETP) must apply to NOAA Fisheries for an "affirmative finding" that the nation is in compliance with the International Dolphin Conservation Program (IDCP). An affirmative finding applies to tuna and tuna products that were harvested by vessels after March 3, 1999. To date, NOAA Fisheries has received applications from Mexico, Ecuador, Panama, Spain, and Costa Rica and granted affirmative findings for Mexico and Ecuador on April 12, 2000 and May 31, 2000, respectively.

Affirmative finding determinations will be made by NOAA Fisheries on an annual basis, based upon documentary evidence provided by the government of the exporting nation, by the government of the harvesting nation, if different, or by the IDCP and the Inter-American Tropical Tuna Commission (IATTC). NOAA Fisheries works with applicant countries, the IATTC, and the Department of State to obtain all of the necessary information to expedite processing the applications. NOAA Fisheries also works with the U.S. Customs Service to ensure that only countries that have received affirmative findings are allowed to import yellowfin tuna into the United States from the ETP. Once an affirmative finding is made, NOAA Fisheries announces the finding in the *Federal Register*.

An affirmative finding will be terminated if NOAA Fisheries determines that the necessary requirements are no longer being met. Every five years, the government of the harvesting nation must submit such documentary evidence directly to NOAA Fisheries and request an affirmative finding. NOAA Fisheries may require the submission of supporting documentation or other verification of statements made in connection with requests to allow importations. Additionally, the IDCPA allows for nations that have received affirmative findings to import into the United States "dolphin-safe" as well as "non-dolphin-safe" tuna harvested in the ETP by large purse seine vessels.

On a related note, on April 11, 2000, the U.S. District Court for the Northern District of California reversed NOAA Fisheries' initial finding under paragraph (g)(1) of the Dolphin Protection Consumer Information Act in the Brower v. Daley case, which prohibits the use of the new "dolphin-safe" labeling standard. Pending an appeal in the court case, tuna harvested in the ETP by large purse seine vessels and imported into the United States will be considered "dolphin-safe" only if no intentional setting on dolphins occurred during the trip, and no dolphins were seriously injured or killed during the set in which the tuna were harvested.

The Department of Justice (DOJ) filed an appeal in the Brower v. Daley case on May 18, 2000, and NOAA Fisheries is working with the DOJ in its efforts to appeal this decision.

For a detailed list of requirements for nations wishing to import yellowfin tuna into the United States, please refer to the Interim Final Rule on the Implementation of the IDCPA (65 FR 30). For additional information on the NMFS tuna/dolphin program, contact Nicole R. Le Boeuf at (301) 713-2322, ext. 156 or J. Allison Routt at (562) 980-4020.

NOAA Fisheries Revises the Marine Mammal Stock Assessment Reports

NOAA Fisheries revised the Alaska, Atlantic and Gulf of Mexico, and Pacific marine mammal stock assessment reports in accordance with the MMPA and published the draft 2000 Stock Assessment Reports (SARs) in May, 2000 (65 FR 31520). The public comment period on the SARs closed on August 16, 2000, and NOAA Fisheries expects to publish the final 2000 SARs in the fall of 2000.

Section 117 of the MMPA requires NOAA Fisheries and the U.S. Fish and Wildlife Service to prepare SARs for each stock of marine mammal that occurs in waters under the jurisdiction of the United States. The SARs contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality from all sources, descriptions of the fisheries with which the stock interacts, and the status of the stock.

The information contained in the SARs provide the basis for NOAA Fisheries' classification of a stock as strategic or non-strategic. A strategic stock is one where the level of human-caused mortality and serious injury is likely to cause the stock to be reduced below its optimum sustainable population.

The following changes were proposed in the draft 2000 SARs:

- The western North Atlantic stock of long-finned pilot whales was proposed to be classified as strategic based on the annual incidental mortality estimate.

- The California/Oregon/Washington stock of short-finned pilot whales was proposed to be classified as non-strategic because of reductions in the average annual human-caused mortality since implementation of the Pacific Offshore Cetacean Take Reduction Plan.

- The Central California stock of harbor porpoise was proposed to be classified as strategic because of increased mortality from the halibut set gillnet fishery. Because of the success of reducing mortality of harbor porpoise on the East Coast through use of pingers, efforts are currently underway to encourage voluntary use of pingers in the central California set gillnet fishery.

- The Hawaii stock of false killer whales was proposed to be listed as strategic because of the annual rate of serious injury from the Hawaii longline fishery. However, the abundance estimate, upon which Potential Biological Removal level is determined, is based only on a portion of the species' range in Hawaiian waters. Additional studies of abundance, distribution, and fishery-related mortality are needed to re-evaluate this species' status.

- Based on recent modeling that suggests that the population of the western North Atlantic stock of northern right whales is in decline, the maximum net productivity for this stock was estimated at zero, and therefore the PBR for this stock was proposed to be reduced to zero.

For additional information about the 2000 SARs, contact Emily Hanson at (301) 713-2322, ext 101. The draft 2000 SARs are available at NOAA Fisheries Office of Protected Resources web site at: **www.nmfs.noaa.gov/prot_res/mammals/sa_rep/sar.html**

Update on the Conservation of Cook Inlet Belugas

MMPA Bulletin Issue No. 14 included an article entitled, "NMFS Conducts Status Review of Cook Inlet Beluga Whales." Since the publication of that article, much has happened regarding Cook Inlet beluga whales and NOAA Fisheries' efforts to promote the stock's recovery, including formal procedural actions and activities.

After special legislation was inserted into an appropriations bill in 1999 restricting the harvest of Cook Inlet beluga whales, no co-management agreement was completed that year. As a result of there being no agreement, no harvest was held. NOAA Fisheries has since completed an assessment of the impacts of a limited harvest on the stock and entered into an agreement with the Cook Inlet Marine Mammal Council (CIMMC) that allows the harvest of a single whale by hunters from the village of Tyonek in the summer of 2000.

NOAA Fisheries completed the rule to designate the stock as depleted under the MMPA and published it in the *Federal Register* on May 31, 2000 (65 FR 34590). In the rule, NOAA Fisheries noted that the stock had declined by nearly 50 percent from 653 whales to 347 whales over a five-year period 1994-1998, when dedicated abundance surveys were conducted. The available evidence on the annual subsistence harvest on the stock and the estimated abundance suggested that the decline had already begun before the 1994 aerial surveys. Based upon observations by local Native hunters and historical counts of beluga in the inlet, NOAA Fisheries estimates the historical abundance of the stock exceeded 1,000 whales; therefore, the extent of depletion is much greater than the decline from 1994 through 1998 indicates. *(continued on page 13)*

Update on Marine Mammal Viewing Issues

Under the Marine Mammal Protection Act, it is illegal to harass or feed wild marine mammals (see *MMPA Bullletin* Nos. 6, 10, 12, 16, and 17). Therefore, marine mammal viewing activities must be conducted in a manner that does not disrupt the animals' natural behavior. NOAA Fisheries has developed guidelines to help the public and commercial operators know how to avoid potentially harmful situations. In addition, NOAA Fisheries has issued regulations that restrict approaching humpback whales in Hawaii closer than 100 yds, and restrict approaching northern right whales closer than 500 yds (50 CFR 224.103).

NOAA Fisheries also has recently launched a new web page on marine mammal viewing that highlights the various NOAA Fisheries Regional Offices' guidelines and regulations, and the NOAA Fisheries "Protect Dolphins" campaign which was developed to address concerns about the public feeding and harassing of wild dolphins. The new marine mammal viewing page can be found at:

www.nmfs.noaa.gov/prot_res/MMWatch/MMViewing.html

The page also contains links to the Watchable Wildlife program, the NOAA/National Marine Sanctuaries' "Dive Smart" campaign, the National Park Service, the US Forest Service, Save the Manatee Club, and other wildlife viewing information.

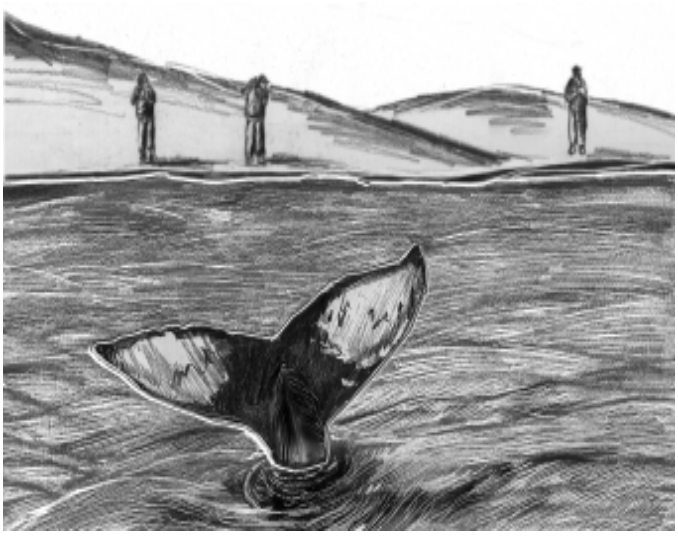
In addition, NOAA Fisheries is currently working on three regulatory actions to address marine mammal viewing concerns in Alaska and the Northeast United States, and to address "swim-with-dolphin" and other such recreational activities between the public and marine mammals in the wild.

• **Proposed Regulation for Viewing Humpback Whales in Alaska** – On June 26, 2000, the NOAA Fisheries Alaska Region published a Proposed Rule in the *Federal Register* (65 FR 39336) to prohibit the approach within 200 yds of humpback whales in waters within 200 nautical miles of the coast of Alaska. Under these regulations, it would be unlawful for a person subject to the jurisdiction of the United States to approach, by any means, within 200 yds of a humpback whale. The public comment period has been extended to October 15, 2000.

• **Advanced Notice of Proposed Rulemaking for Whale Watching in the Northeast** – On January 4, 2000, the NOAA Fisheries Northeast Region published an Advanced Notice of Proposed Rulemaking (ANPR) in the *Federal Register* (65 FR 270) to inform the public that the agency is considering whether or not regulations are needed for whale watching activities in the Northeast. The scope of the ANPR encompassed the activity of any vessel (commercial or private) that is engaged in whale watching. NOAA Fisheries requested comments on whether existing whale protection measures are adequate to address the potential threat of injury or mortality by vessels engaged in whale watching (commercial or private) to large whales (primarily humpback, fin, and minke whales) and, if not, what whale protection measures are needed. The public comment period closed on March 6, 2000. The NOAA Fisheries Northeast Region is currently working with the NOAA Fisheries Office of Protected Resources and the NOAA Gerry E. Studds Stellwagen Bank National Marine Sanctuary to address the comments received and determine the next course of action.

• **Marine Mammal Commission Review of "Swim-With-Wild-Dolphin" Activities** – In an effort to help evaluate the effects of people swimming with wild dolphins, the Marine Mammal Commission (MMC) sponsored a literature review by Amy Samuels, Lars Bejder and Sonja Heinrich entitled *A Review of the Literature pertaining to Swimming with Wild Dolphins* (MMC, April 2000). Upon reviewing the report by Samuels *et. al*, the MMC concluded that there is "compelling evidence that efforts to interact intentionally with dolphins in the wild are likely to result in at least Level B harassment and, in some cases, could result in the death or injury of both people and marine mammals." Subsequently, the MMC formally recommended that NOAA Fisheries promulgate regulations to prohibit such in-water interactions. The Office of Protected Resources agrees with the MMC's recommendation that regulations are needed and is considering taking regulatory action to address such activities for marine mammals under our jurisdiction.

For more information about the Alaska and Northeast regulatory actions, please contact the regional office (Kaja Brix, Alaska Regional Office, (907) 586-7235; Douglas Beach, Northeast Regional Office, (978) 281-9254) or the Permits Division at (301) 713-2289. For more information about the 'Swim-With-Wild-Dolphin" concern, contact the Office of Protected Resources Permits Division at (301) 713-2289.



International Marine Debris Conference On Derelict Fishing Gear and the Ocean Environment

From August 6-11, 2000, the International Marine Debris Conference on Derelict Fishing Gear and the Ocean Environment was held in Honolulu, HI. In 1996, NOAA Fisheries began assessing the magnitude of derelict fishing gear washing ashore on remote beaches and coral reefs in the waters surrounding the Northwestern Hawaiian Islands. Since 1998, NOAA Fisheries, in cooperation with the U. S. Coast Guard, has led a multi-agency task force investigating and responding to the problem (see *MMPA Bulletin* Issue No. 14, "Safeguarding Hawaiian Monk Seals From the Threat of Plastic Debris"). These efforts have provided a wealth of information about the amount, types, and impacts of derelict fishing gear. The removal of debris has been a significant component of these efforts. In addition, the use of oceanographic modeling has helped provide a better understanding of the movements of debris and holds promise as a possible means to help identify and reduce debris sources in the future.

In 1999, the U. S. Congress, in response to growing concerns over the large amounts of derelict fishing gear washing ashore on remote beaches and coral reefs of the Hawaiian Islands, charged the Hawaiian Islands Humpback Whale National Marine Sanctuary with the organization of the International Marine Debris Conference to focus on derelict fishing gear and the ocean environment. While representing only a small percent of the total amount of marine debris in our oceans, derelict fishing gear is of great concern due to its potential impacts on living marine resources.

The goal of the conference was to bring together members of the private and public sectors to assess the problem of derelict fishing gear and recommend specific solutions and strategies for action; and to address the Pacific-wide nature of derelict fishing gear and its impacts on the marine environment, including protected and endangered species and habitat. This conference continued the efforts of numerous organizations and agencies that have previously been addressing this issue, such as those at the 1987 North Pacific Rim Fishermen's Conference on Marine Debris, which brought together fishing industry representatives from throughout the Pacific region to discuss derelict fishing gear and identify ways to address the problem.

While the magnitude of the problem is daunting, there is cause for optimism. Since the passage of the International Convention for the Prevention of Pollution (MARPOL) from ships at sea adopted by the United Nations, there is some indication that the rate of plastic disposal at sea may indeed have begun to decrease in some areas. While the reported entanglement rates for some species of marine mammals (e.g., Hawaiian monk seal) have increased, the reported rates have declined and remained relatively stable for others (e.g., northern fur seal).

The solution to the problem of derelict fishing gear lies beyond the capabilities or resources of any one nation, agency, organization or sector. It is a complex and difficult challenge that must be faced cooperatively if the goal of maintaining clean and healthy oceans is to be achieved.

Note: Information for this article was obtained from the Hawaiian Islands Humpback Whale National Marine Sanctuary web site at: **www.hihwnms.nos.noaa.gov.** *For additional information about this conference or about what NOAA Fisheries is doing to protect Hawaiian monk seals from entanglement in fishing gear, contact Mary Donohue at: (808) 983- 5744; John Henderson at: (808) 983-5712; or Bud Antonelis at: (808) 983-5710 at the NOAA Fisheries Southwest Fisheries Science Center at the Honolulu Laboratory.*

The Office of Protected Resources Web Site Has Moved

Please be sure to visit the new NOAA Fisheries Office of Protected Resources web site at: **www.nmfs.noaa.gov/prot_res/prot_res.html.** The Protected Resources web site has a whole new look and many new features, such as a Permits page for marine mammals and endangered species, an International Activities page, a Marine Biodiversity page, a Search page, and updated links to many other useful resources on the Web. Be sure to note the address change and update your web site bookmarks if you plan to link to or refer to the Office of Protected web site in the future.

As always, the NOAA Fisheries Office of Protected Resources web site is a great source of information about programs and policies that protect and conserve marine mammals, sea turtles, salmonids, and other marine and anadromous species. Don't forget, you can also download numerous documents in PDF format from the web site's reading room.

Upcoming Take Reduction Team Meetings

NOAA Fisheries has scheduled two take reduction team meetings for the fall of 2000. The Mid-Atlantic Harbor Porpoise Take Reduction Team will meet November 28-30, 2000. The Gulf of Maine Harbor Porpoise Take Reduction Team will meet December 12-14, 2000. Locations to be determined. NOAA Fisheries will also be holding pre-meetings for the upcoming Bottlenose Dolphin Take Reduction Team this winter.

For additional information on any of these meetings or on these take reduction teams, contact Emily Hanson at (301) 713-2322, ext 101.

The Effects of Manmade Noise on Marine Mammals

Concern over the effects of human noise on marine mammals and sea turtles accelerated about ten years ago. The noise level in the oceans is thought to be increasing at a substantial rate, although no systematic measures of this rate have yet been made. The sound of shipping is the major cause of this increase, but many other sources contribute to noise pollution, such as seismic exploration, drilling, and sonar. Because under some conditions low frequency sound travels very well through water, few ocean areas are free of the threat of human noise. Experts also believe that noise will increase in the future as the number, type, and level of human sources increase.

The effect of noise on marine mammals and sea turtles is not well known. The potential effects range from minor behavioral disturbance to injury and death. The seriousness of these potential effects has fueled recent public concern about marine noise. The actual known effects, that is the facts that have been demonstrated by science, are few. This lack of data poses a problem for NOAA Fisheries, which in order to publish noise standards for marine mammals, must base them on established scientific facts.

Sound levels are measured by the decibel (dB) scale. The term dB refers to a unit of measuring sound level which can be thought of as "loudness." The dB is actually a ratio of some measured level divided by a reference level that differs depending on whether the sound is in air or under water. All dB values referred to in this article are referring to under water levels. The dB scale is logarithmic, so the difference between 160 and 170 dB is 10-fold, not merely 10. However, these are only the physical units. Humans may perceive a 10 dB increase as twice as loud, not 10-times. An underwater sound of 145 dB is frightening to an inexperienced human diver, and a sound of 165 dB is the maximum an experienced diver will tolerate. If a trained singer could deliver the same sound level under water as in air, his/her voice would equal about 173 dB. At about 180 dB human lung tissue begins to develop bruises. These human references may not be a sure guide to the effects of noise level on marine mammals because humans lack the protections from underwater pressure changes that marine mammals and sea turtles possess. For example, a blue whale call is approximately 190 to 195 dB, which would be harmful to humans but apparently has no effect on the whales.

Masking, the covering up of one sound by another, is potentially the most serious effect of low level sound. It is possible that masking could shorten the distance over which marine mammals communicate such that animals might not locate each other for mating. Masking is the major concern about shipping noise, but it has only been estimated once, for the beluga whale. Only a few kinds of marine mammals, notably the bowhead whale, gray whale, and harbor porpoise, have been shown to behaviorally avoid low level sounds.

The effects of medium level sound have been carefully measured twice in association with the ATOC (Acoustic Thermometry of Ocean Climate) program, and three times in association with LFA (Low Frequency Active sonar). In all cases, received levels of up to 155 dB caused no measurable or only very slight changes in the distributions of whales around the source, and no measurable or very slight changes in their behavior (calling, breathing, etc.). In the laboratory, medium sound levels of about 145 dB lasting 20 minutes cause minor temporary hearing loss of the kind humans experience at a loud concert; it is recoverable the next day. Two studies of this type have been carried out on seals and dolphins. The effects of high level sound have been carefully measured only in the laboratory. One second bursts of sound at 194 dB cause minor temporary hearing loss in dolphins, again recoverable overnight.

Scientists cannot always judge whether sounds are harmful by the way marine mammals act in their presence. Dolphins bowride on military vessels that are operating sonars at high levels, California sea lions will approach a 210 dB sound when they are feeding, and seals and dolphins swim within airgun arrays where source levels exceed 240 dB. Additional data are needed to determine whether such animals are sustaining hearing damage without showing a behavioral reaction.

For additional information about NOAA Fisheries Marine Acoustics Program, contact Dr. Roger Gentry at: (301) 713-2322, ext. 156. You can also visit our web site at: **www.nmfs.noaa.gov/prot_res.html.**

The NOAA Fisheries Large Whale Disentanglement Program

At least 24 large whales were entangled in fishing gear in U.S. East Coast waters in 1999. A disentanglement team attempted to remove the gear from 13 of these animals and succeeded in freeing six, including one highly endangered right whale. Four other animals were partially disentangled, including two right whales. Another right whale that could not be disentangled died in October (see *MMPA Bulletin* Issue No. 18, "Known Right Whale Dies From Entanglement in Fishing Gear").

The successful disentanglements were accomplished by a multi-partner network NOAA Fisheries established in 1994 to locate and assess entangled whales. The disentanglement team goes to work when the situation is judged to be potentially life threatening for the whale. The network, which is both a rescue and research effort, also maintains a database of entanglements and develops regional protocols for responding to reports of entanglements.

The six-year-old network is composed of governmental and non-governmental agencies, fishermen, and other trained individuals from Maine to Florida. The Center for Coastal Studies (CCS), working under contract with NOAA Fisheries, coordinates disentanglement efforts and trains network volunteers. The U.S. Coast Guard is a key partner in the network, helping to monitor entangled whales and transporting disentanglement personnel to the scene.

The disentanglement program grew out of NOAA Fisheries' Final Recovery Plan for the Northern Right Whale (1991), and it became one of four major components in the (1997) Atlantic Large Whale Take Reduction Plan mandated by the MMPA (for more on the Take Reduction Plan, see **http://www.nero.nmfs.gov/whaletrp/).**

In 1999, the network received 28 reports of entanglements from whale watch vessels, fishermen, tuna spotters, recreational boaters, and whale survey vessels and aircraft. Of the 24 entanglements that could be confirmed, three were fin whales, four were minke whales, nine were humpback whales, six were right whales, and two were unidentified. Five of the 24 animals were dead when they were first observed entangled.

Preliminary numbers for 2000 are similar. Through August, the network has confirmed 23 entanglements, including six right whales. Three of the 23 entangled animals were dead when they were first observed entangled.

The disentanglement team does not attempt to remove gear from every live entangled whale. The decision whether to intervene depends in part on the severity of the entanglement. Some entanglements are deemed "minimal" and the best course is to monitor the whale. The weather and the location of the entangled whale are also considerations. If conditions are favorable and the entanglement is thought to be serious, the team will attempt to disentangle any large whale, but priority is given to serious entanglements of endangered right whales and humpback whales.

Even in the best of circumstances, it is dangerous to approach a 30-ton animal that may be confused and in pain. Only a few, highly-trained individuals are allowed to do the hands-on work with entangled whales. The team uses pre-determined protocols that may involve cutting lines or attaching radio or satellite tags to gear that cannot be removed immediately.

Growth of the network

Disentanglement began as a volunteer effort in 1984 when scientists from CCS in Provincetown, Massachusetts, began developing tools and techniques for removing gear from large whales (see CCS' "rescue" page at: **http://www.coastalstudies.org/rescue/index.htm)** The early disentanglement effort focused on waters where right whales aggregate: the northern Gulf of Maine and Bay of Fundy; central and southern Gulf of Maine; and waters off Georgia and Florida. In recent years, NOAA Fisheries has expanded the network to cover other waters from Florida to Maine where entanglements are known to occur.

In 1999 the network was significantly improved with an increase in trained personnel and new caches of disentanglement gear stored up and down the East Coast for quick deployment. Recently, the Canadian government and private organizations have expanded the effort to gather reports of entangled animals and to mount disentanglement efforts in Canadian waters north through Nova Scotia.

Since the large whale take reduction plan was published in 1997, the fishing industry has helped expand the network greatly. Fishermen operate vessels in areas where entanglements are likely to occur - approximately one-fourth of the 1999 reported entanglements were called in by fishermen. Additionally, commercial fishermen bring to the network vast experience at sea, intimate knowledge of local fishing gear and practices, and familiarity with hazardous working conditions.

CCS has developed a program to train fishermen in whale disentanglement. The training began in Maine, a state with an expansive coastline (approximately 5,000 miles) that includes numerous islands where it is very difficult to find and monitor entangled whales. When the call for help went out, hundreds of Maine fishermen signed up for training to participate in the disentanglement network.

The training program consists of four levels, each of which prepares an individual for more direct involvement in the disentanglement effort.

Training is offered to commercial fishermen and other professional mariners who have continuing professional experience and expertise on the water but who may not have much experience with whales. To date, 324 Maine fishermen from 75 ports have completed level I training. Thirty-seven of those fishermen have gone on to complete level II training. Other Maine fishermen have signed on for additional training.

Future of the network

The long-term solution to the entanglement problem is fishing gear that is less likely than existing gear to entangle whales. NOAA Fisheries is working with the fishing industry, whale experts, and gear engineers to develop safer gear. Some ideas are already being tested in the water (see the gear research and "Update" sections of the whale plan web site: **http://www.nero.nmfs.gov/whaletrp/).**

While the ultimate goal is preventing entanglements, NOAA Fisheries intends to continue improving the disentanglement program as long as entanglements are likely to occur. The network has already demonstrated its value as both a long-term and short-term tool for whale protection. On the long-term research side, the network documents entanglements and recovers gear removed from whales - activities that provide most of the available data about how entanglements occur. On the more immediate rescue side, the network has already disentangled - and perhaps saved - several whales that may play a role in the recovery of their species.

For additional information about the large whale disentanglement program in the Northeast United States, contact Dana Hartley at: (508) 495-2090. In the Southeast United States, contact Blair Mase at: (305) 361-4586. For additional information on the National Marine Mammal Stranding Network, contact Dr. Janet Whaley at: (301) 713-2322, ext. 170. For additional information about large whale conservation and recovery, contact Gregory Silber at: (301) 713-2322, ext. 152. You can also visit the Center for Coastal Studies web site at: **www.coastalstudies.org.**

Visiting Faculty at the Office of Protected Resources

De Lois M. Powell, Ph.D., a visiting Associate Professor of microbiology, split her summer appointment with the Oak Ridge Institute for Science and Education at NOAA Fisheries between the Office of Protected Resources (PR) and the Office of Sustainable Fisheries (SF). No stranger to issues at the interface of science and policy, Dr. Powell came with policy experience gained from working at the U.S. Environmental Protection Agency. In her nine-week experience with NOAA Fisheries, she was involved in reviewing and sharing comments on: the development of a "Code of Conduct for Responsible Aquaculture"; in drafting additions to documents on issues related to whaling and the Makah Indian Tribe; reproductive failure in North Atlantic right whales, and the National Contingency Plan for Response to Unusual Marine Mammal Mortality Events - all within PR. For SF, she served as a member of an outreach team, attending a number of informational sessions with fishermen and the general public. Dr. Powell also assisted in the development of an implementation plan for outreach efforts, which may help to address other issues surrounding fishing gear/marine animal interactions. Finally, Dr. Powell reviewed several regulatory reports, generated from fish/shell fish stock assessment surveys in the eastern Bering Sea (efforts she was involved in last summer aboard the R/V Aldebaran).

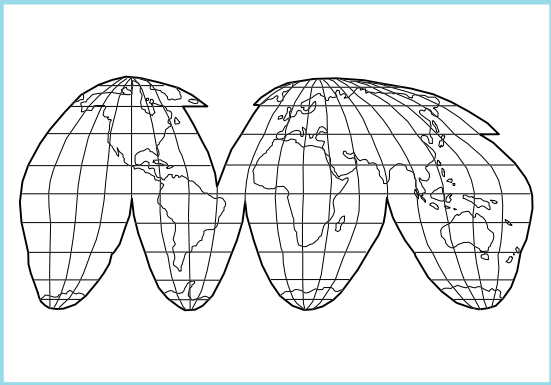
She is grateful for the assistance of her new colleagues and friends at NOAA Fisheries who helped to make her job easier. De Lois leaves NOAA Fisheries and is currently teaching a seminar interfacing science and policy for environmental science majors at Shaw University, Raleigh, NC.

NOAA Fisheries Lifts Intermediary Nation Embargoes

On August 19, 2000, NOAA Fisheries made changes in the intermediary nation status for the Governments of Costa Rica, Japan, and Italy under the Marine Mammal Protection Act (MMPA). This action removes the intermediary nation status of these countries, which have been embargoed since January 31, 1992 and allows the importation into the United States from Costa Rica, Japan, and Italy, of yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP) after March 3, 1999. The MMPA, as amended by the International Dolphin Conservation Program Act (IDCPA) (P. L. 105-42), prohibits the entry into the United States of yellowfin tuna and tuna products by "intermediary nations." An intermediary nation is a nation which exports yellowfin tuna or yellowfin tuna products to the United States and that imports yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation into the United States pursuant to section 101(a)(2)(B) of the MMPA. The intent of the embargo is to prevent "laundering" of tuna prohibited from importation into the United States through a secondary nation.

This change in intermediary nation status is based on the lack of sufficient documentary evidence that Costa Rica, Japan, and Italy import yellowfin tuna or tuna products from nations subject to a direct ban under section 101(a)(2)(B) of the MMPA. This change remains in effect until NOAA Fisheries has evidence otherwise.

For additional information on the changing status of intermediary nations, contact Nicole R. Le Boeuf at: (301) 713-2322, ext. 156.



Frequently Asked Questions About the List of Fisheries

NOAA Fisheries is preparing the proposed List of Fisheries (LOF) for 2001 and expects to publish the *Federal Register* Notice in Fall 2000. The notice will be available for public comment, after which NOAA Fisheries will publish the final LOF for 2001. Below are answers to some frequently asked questions about the LOF.

What Is the List of Fisheries?

Under section 118 of the MMPA, NOAA Fisheries must publish, at least annually, an LOF that places all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals that occurs in each fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements.

How Does NOAA Fisheries Determine Which Category a Fishery is Placed In?

You can find the definitions for the fishery classification criteria for Category I, II, and III fisheries in the implementing regulations for section 118 of the MMPA (50 CFR part 229). In addition, these definitions are summarized in the preambles to the final rule implementing section 118 (60 FR 45086, August 30, 1995), the final LOF for 1996 (60 FR 67063, December 28, 1995), and the proposed LOF for 1999 (63 FR 42803, August 11, 1998).

What are the Fishery Classification Criteria?

The fishery classification criteria consist of a two-tiered, stock-specific approach that first addresses the total impact of all fisheries on each marine mammal stock and then addresses the impact of individual fisheries on each stock. This approach is based on consideration of the rate, in numbers of animals per year, of incidental mortalities and serious injuries of marine mammals due to commercial fishing operations relative to the Potential Biological Removal (PBR) level for each marine mammal stock.

Tier 1: If the total annual mortality and serious injury across all fisheries that interact with a stock is less than or equal to 10 percent of the PBR level of this stock, all fisheries interacting with this stock would be placed in Category III. Otherwise, these fisheries are subject to the next tier of analysis to determine their classification.

Tier 2, Category I: Annual mortality and serious injury of a stock in a given fishery is greater than or equal to 50 percent of the PBR level.

Tier 2, Category II: Annual mortality and serious injury of a stock in a given fishery is greater than 1 percent and less than 50 percent of the PBR level.

Tier 2, Category III: Annual mortality and serious injury of a stock in a given fishery is less than or equal to 1 percent of the PBR level.

Tier 1, therefore, considers the cumulative fishery mortality and serious injury for a particular stock, while Tier 2 considers fishery-specific mortality for a particular stock. Additional details regarding how threshold percentages between the categories were determined are provided in the preamble to the final rule implementing section 118 of the MMPA.

How Do I Find out Which Category a Specific Fishery Is In?

Each LOF includes two tables that list all U.S. commercial fisheries by Category. One table lists all of the fisheries in the Pacific Ocean (including Alaska), while the other lists all of the fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean. Under section 118 of the MMPA, NOAA Fisheries must include all U.S. commercial fisheries on the LOF. You can contact one of the Regional Offices if you are aware of a fishery that is not included in these tables.

Am I Required to Register Under the MMPA?

If you are an owner of a vessel or gear engaging in a Category I or II fishery, you are required under 50 CFR 229.4 to obtain a marine mammal authorization from NOAA Fisheries to lawfully incidentally take a marine mammal in a commercial fishery.

How Do I Register?

If you participate in a fishery that does not have an integrated registration program, you must register through one of our Regional Offices. The fee for obtaining a new or renewed authorization each year is $25. Upon receipt of a completed registration, NOAA Fisheries will issue vessel or gear owners a decal (see graphic) to display on their vessel and an authorization certificate that must be in the possession of the operator while fishing. The procedures and fees associated with registration differ between Regions. Special procedures and instructions for registration in the NOAA Fisheries Regions are described in the preamble to the final LOF for 1998 (63 FR 5748, February 4, 1998).

For some fisheries, we have integrated the MMPA registration process with existing state and Federal fishery license, registration, or permit systems and related programs. Participants in these fisheries are registered automatically under the MMPA and are not required to pay the $25 registration fee.

Which Fisheries Have Integrated Registration Programs?

NMFS has implemented integrated registration programs in the Alaska Region, Northwest Region, and Northeast Region. The following fisheries have integrated registration programs under the MMPA: all Alaska Category II fisheries; all Washington and Oregon Category II fisheries; and three Atlantic fisheries (the Gulf of Maine, U.S. mid-Atlantic lobster fishery; the Atlantic

squid, mackerel, butterfish trawl fishery; and, the Northeast sink gillnet fishery). Special procedures and instructions for registration in these integrated fisheries are described in the preamble to the final LOF for 1998 (63 FR 5748, February 4, 1998).

How Do I Renew My Registration Under the MMPA?

The Regional Offices annually send renewal packets to participants in Category I or II fisheries that have previously registered with us; however, it is the fishers' responsibility to ensure that registration or renewal forms are submitted to us at least 30 days in advance of fishing. If a fisher has not received a renewal packet by January 1, or are registering for the first time, he/she should request a registration form from the appropriate Regional Office.

Am I Required to Submit Reports When I Injure or Kill a Marine Mammal During the Course of Commercial Fishing Operations?

A vessel owner or operator, or fisher (in the case of non-vessel fisheries), participating in a Category I, II, or III fishery, you must comply with 50 CFR 229.6 and report all incidental injuries or mortalities of marine mammals that occur during commercial fishing operations to NOAA Fisheries. "Injury" is defined in 50 CFR 229.2 as a wound or other physical harm. In addition, any animal that ingests fishing gear, or any animal that is released with fishing gear entangling, trailing, or perforating any part of the body is considered injured and must be reported. Instructions for how to submit reports can be found at 50 CFR 229.6(a).

Am I Required to Take an Observer Aboard My Vessel?

If you are a fisher participating in a Category I or II fishery, you are required to accommodate an observer aboard your vessel(s) upon request. Observer requirements can be found at 50 CFR 229.7.

Am I Required to Comply With Any Take Reduction Plan Regulations?

A fisher participating in a Category I or II fishery, is required to comply with any applicable take reduction plans. NOAA Fisheries may develop and implement take reduction plans for any Category I or II fishery that interacts with a strategic stock.

For additional information about the List of Fisheries, contact Emily Hanson at (301) 713-2322, ext 101. The most recent edition of the LOF can be found at: **www.nmfs.noaa.gov/prot_res/PDF_docs/lof2000.pdf**. *You can find additional information about NOAA Fisheries' Marine Mammal-Commercial Fisheries Interactions Program by visiting our web site at:* **www.nmfs.noaa.gov/prot_res/mammals/mmap.html.**

(continued from page 6) The depletion finding is the first step in the process under the MMPA to establish regulations of the subsistence harvest to ensure recovery of the stock of beluga whales. That process includes proposed and final rulemaking and an agency hearing on the proposed regulations. The hearing is anticipated late in the year 2000. NOAA Fisheries will also be working with ANOs on a long-term co-management agreement in conjunction with the regulations.

On June 22, 2000, NOAA Fisheries published its final determination (65 FR 38778) that listing the Cook Inlet beluga whale stock as threatened or endangered is not warranted at this time. In its determination not to "list" the beluga whale stock, NOAA Fisheries concluded that although the subsistence harvest was sufficiently high to account for the observed decline in the stock, the harvest is currently limited, through existing mechanisms, to a level that would allow the stock to recover. Other factors, such as natural phenomena (insufficient prey or predation) or other human activities (pollution; oil exploration, production, or transport; or disturbance by tourism, ship traffic, or aircraft) may be affecting the stock; however, an impact from these factors could not be detected. NOAA Fisheries concluded, therefore, that these factors, singly or cumulatively, were not having a significant impact on the stock. Because subsistence harvest, the only factor that had been identified as having a significant impact on the stock, was currently being controlled, NOAA Fisheries has determined that the beluga whale stock is not in danger of extinction and is not likely to become endangered in the foreseeable future.

Although NOAA Fisheries published the determination to designate the Cook Inlet beluga whale stock as depleted under the MMPA, the determination was not made in time to meet the deadline required by the Endangered Species Act. Therefore, the Trustees for Alaska (representing itself and other parties) filed suit against NOAA Fisheries. The court has not yet scheduled a hearing.

The abundance survey of the stock in summer 1999 produced a population estimate of 357 whales. This estimate is 10 higher than the abundance in 1998; however, the precision of the estimate is to too low to indicate whether the population is increasing. Because the 1999 estimate was the first estimate for which subsistence harvest is restricted, it is too early to tell if the population is responding favorably to limiting the harvest. It is, however, an encouraging sign. NOAA Fisheries expects the abundance estimate from its summer 2000 surveys to be available by this fall.

On October 4, 2000, NOAA Fisheries issued a proposed rule to limit the Alaska Native subsistence harvest of Cook Inlet beluga whales to no more than two strikes per year. As required by the MMPA, a formal hearing has been scheduled on this rule for December 5, 2000, in Anchorage, AK. The preamble to the proposed rule contains a notice of the hearing, which includes various procedures and deadlines related to the hearing.

For additional information on NOAA Fisheries' conservation efforts for Cook Inlet beluga whales, contact Dr. Tom Eagle at (301) 713-2322, ext. 105. You may also visit the NOAA Fisheries Alaska Region web site at: **www.fakr.noaa.gov/protectedresources/whales/beluga.htm.**

NOAA Fisheries Hears from Stakeholders

In the spirit of cooperation, stakeholders in marine mammal conservation issues are given the opportunity to use the MMPA Bulletin as a forum to express their views about working toward common goals. Guest authors from other government agencies, the fishing industry, or conservation groups may contribute, and letters written to NOAA Fisheries by general constituents may also appear. The views expressed by the guest authors are solely their own and do not necessarily reflect NOAA's postions or policies.

The Marine Mammal Stranding Network Needs More Support

By Laura Engleby

This past January, I was among many volunteers who assisted with a mass stranding of over 100 bottlenose dolphins *(Tursiops truncatus)* in the Florida Keys. The teamwork that resulted in the rescue of approximately 60 dolphins was impressive and reinforced the importance of the Marine Mammal Stranding Network. Based on 14 years of experience as a rescue volunteer, I believe that the National Marine Fisheries Service (NMFS) through the Marine Mammal Stranding Network plays a vital role in coordinating the response to marine mammal strandings. Despite the Network's accomplishments over the past 13 years, there is hardly any financial support, thus compromising the ability of the Stranding Network's ability to operate at its full potential.

Before the creation of the NMFS Marine Mammal Stranding Network, there was very little coordination and communication between rescue groups. For example, when I first moved to the Florida Keys in 1986, I was involved in another mass stranding of false killer whales *(Pseudorca crassidens)* in Key West. I noticed that each organization had different sets of rescue protocols, methods and philosophies resulting in an undercurrent of tension. A lot of valuable data was lost because there was no coordination on how to properly collect samples or knowledge of where to send samples. Subsequent stranding events continued to demonstrate that there was clearly a need for better organization between rescue groups. Perhaps because we were peers with varying agendas, or because we were all so busy, we made little effort to coordinate with each other.

It wasn't until after the creation of the NMFS Marine Mammal Stranding Network in 1987, that I noticed improved communication and collaboration between rescue groups in the Florida Keys. The purpose of the Marine Mammal Stranding Network is to coordinate the response to stranded marine mammals while also coordinating the obtaining and dissemination of data from stranded marine mammals. This is accomplished by productive partnerships between the NMFS, rescue organizations, and volunteers.

The Stranding Network initially relied on the combined support from large aquaria, non-profits, and organizations that donated their time and resources. Prior to 1992, most aquaria in the southeast were able to contribute significant dollars, personnel and equipment because of revenue generated from their public programs. However, in 1992, this base of support changed dramatically when the contagious morbillivirus began appearing in dolphins under human care. Many facilities chose to no longer accept stranded marine mammals. Employees were no longer available to assist because of the concern that the virus could be transmitted by staff members involved in a rescue event which could then jeopardize the health of their own animals. The absence of large aquaria is still noticeable today. Smaller facilities and non-profits are now expected to provide the same level of support with only a fraction of the resources.

Volunteers are also an integral part of the Network. We are on-call 24 hours and during stranding events we work long hours with little (if any) sleep. We are responsible for: animal care, arranging necessary equipment (trucks, ice, stretchers, foam pads, medical supplies), food, water, handling the media, crowd control, arranging vet care, and human safety. Each stranding event is unique, requiring different types of response and, in some cases, trying brand new techniques. Hard work aside, the monetary contribution of Stranding Network volunteers is also noteworthy. I work for a non-profit that uses figures from the National Points of Light Foundation to place a value of approximately $15.00 per volunteer hour. Based on figures from a rescued pygmy sperm whale (*Kogia breviceps*) currently under human care in Key West, volunteers contribute approximately $1,400 each day, excluding all medical and food expenses. This number is now reaching $100,000 as the whale continues to improve. The value of volunteer contributions could be significantly increased throughout the entire network, with a stronger base of support from NMFS.

NMFS provides minimal support to the stranding network in terms of dedicated staff and supplies. For example, in the Southeast, we have one stranding coordinator responsible for areas between North Carolina, Texas, Puerto Rico and the Virgin Islands. When inquiring why it took over six months for me to receive a basic stranding kit from NMFS, I was amazed to discover that the entire NMFS Southeast Region stranding budget is only $10,000, and funds for basic supplies often aren't available. Considering that the Southeast Region has an average of 700 stranded dolphins or whales each year, this means that there is only $14.00 available for each stranded marine mammal. Nonetheless, NMFS manages to provide important services to the Stranding Network. They develop and maintain comprehensive databases of information, consistent protocols, training workshops and permitting procedures. Because of their authority, NOAA Fisheries is the official *(continued on page 15)*

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Marine Mammal Protection Act of 1972 Annual Report to Congress

- ○ January 1, 1998 - December 31, 1998 **NEW!!!**
- ○ January 1, 1996 - December 31, 1996
- ○ January 1, 1994 - December 31, 1994
- ○ January 1, 1992 - December 31, 1993

Office of Protected Resources Technical Memorandum Series:

- ○ Gross Evidence of Human-Induced Mortality in Small Cetaceans. NMFS-OPR-15, 21 p. (July 2000)
- ○ Development of a Process for the Long-term Monitoring of MMPA Category I and II Commercial Fisheries: Proceedings of a Workshop held in Silver Spring, Maryland, 15-16 June 1998. NMFS-OPR-14, 46 p. (September 1999)
- ○ Differentiating Serious and Non-Serious Injury of Marine Mammals Taken Incidental to Commercial Fishing Operations: Report of the Serious Injury Workshop 1-2 April 1997, Silver Spring, Maryland. NMFS-OPR-13, 48 p. (January 1998)
- ○ Report of the Workshop to Assess Research and Other Needs and Opportunities Related to Humpback Whale Management in the Hawaiian Islands. NMFS-OPR-11, 134 p. (February 1997)
- ○ Acoustic Deterrence of Harmful Marine Mammal-Fishery Interactions: Proceedings of a Workshop held in Seattle, Washington, 20-22 March 1996. NMFS-OPR-10, 70 p. (December 1996)
- ○ Rescue, Rehabilitation, and Release of Marine Mammals: An Analysis of Current Views and Practices. NMFS-OPR-8, 65 p. (July 1996)
- ○ NMFS Observer Programs: Minutes and Recommendations of a Workshop Held in Galveston, TX Nov. 10-11, 1993. NMFS-OPR-1, 96 p. (July 1994)

(fold here)

Recovery Plans and Conservation Plans:

- ○ Recovery Plan for the Blue Whale, *Balaenoptera musculus*. (July 1998)
- ○ Conservation Plan for the Northern Fur Seal, *Callorhinus ursinus*. (June 1993)
- ○ Recovery Plan for the Steller Sea Lion, *Eumetopias jubatus*. (December 1992)
- ○ Final Recovery Plan for the Northern Right Whale, *Eubalaena glacialis*. (December 1991)

Reports and Other Office Publications:

- ○ The National Marine Fisheries Service Take Reduction Team Negotiation Process Evaluation. (July 1999)
- ○ Proceedings of the First Biennial Canada/U.S. Observer Program Workshop. NMFS-AFSC-101, 113 p. (May 1999)
- ○ Report to Congress on Impacts of California Sea Lions and Pacific Harbor Seals on Salmonids and West Coast Ecosystems. (February 1999).
- ○ Report to Congress on Results of Feeding Wild Dolphins: 1989-1994. (July 1994)
- ○ Quantitative Behavioral Study of Bottlenose Dolphins in Swim-With-The Dolphin Programs in the United States. (April 1994)
- ○ Marine Mammal Strandings in the United States. Proceedings of the Second Marine Mammal Stranding Workshop, Miami, FL. December 3-5, 1987. U.S. Dep. Commer., NOAA. (January 1991)

MMPA Bulletin Back Issues

- ○ 1st Quarter 2000 **NEW!!!**
- ○ 1st Quarter 1999
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- ○ 4th Quarter 1999
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- ○ June/July, 1995
- ○ 3rd Quarter 1999
- ○ 3rd Quarter 1998
- ○ May/June, 1996
- ○ April/May, 1995
- ○ 2nd Quarter 1999
- ○ 2nd Quarter 1998
- ○ January/February, 1996
- ○ February, 1995

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- ○ Marine Mammals of the Western Hemisphere *(24"x36")*
- ○ Sea Turtles of the World *(24"x36")*
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National Marine Fisheries Service Brochures

- ○ Protect Dolphins: Admire Them From a Distance
- ○ NOAA Fisheries: Conserving Our Nation's Living Oceans

Special Insert

(continued from page 14) decision-maker during strandings and they often serve as mediator between diverse groups. Live dolphin or whale strandings are emotionally charged situations with no shortage of opinions. I often see a paradox of human behavior where everyone wants what's in the best interest of the animal(s), yet strongly disagrees on the "how" part of a rescue or "who" is in charge. Repeatedly I have witnessed NMFS make decisions in the field by consulting with volunteers, veterinarians and other experts. Each option is carefully considered and they work hard to achieve consensus. Many of us have come to rely on this leadership role of NMFS. It allows us to take credit when there is success, and blame someone when things don't go as planned.

The permitting approach of issuing "Letter of Authorizations" (LOA's) in our region is very effective. For each area of coastline there is one LOA holder who then has a list of permitted Designees and a group of trained volunteers. This is an excellent approach for several reasons. It streamlines communication, encourages organizations to work together, and clarifies roles and responsibilities. Simply stated, it ensures that there are not too cooks in the kitchen that might spoil the pot, so to speak. In an atmosphere of scarce resources it is critical that we have a teamwork approach to marine mammal rescues. Competition between groups only results in fewer resources, less efficiency, and wasted effort.

Although the Stranding Network is effective, there is definite room for improvement. More financial support is desperately needed. We also need to continue improving communication among rescue organizations and become proactive with public outreach. Public outreach opportunities that could potentially lead to increased public support of strandings are often missed due to lack of personnel or trained volunteers. I believe a lot could be achieved by providing regular training workshops at the field level. Training would ensure consistency in protocols, support consensus building, ensure better communication, and provide volunteers with many of the tools and skills they need to handle a variety of responsibilities. Overall, volunteers are the backbone of the Stranding Network. Due to the loss of larger aquaria involvement and increased number of strandings, we are feeling the weight of financial stress. There may soon be a mechanism in place for more funding to be made available to both the NMFS marine mammals stranding networks and its volunteers through HR 1934: The Marine Mammal Rescue Assistance Act of 1999. If this bill is ultimately passed by Congress, the achievements of the Stranding Network might finally be realized by providing solid financial support for it.

Ms. Engleby has worked extensively with captive and wild dolphin populations in the United States and the Bahamas since 1983. Beginning in 1986 she became active in the Southeast Marine Mammal Stranding Network and is currently an authorized designee for the Marine Animal Rescue Society based in Miami, Florida. Ms. Engleby also served as outreach and education coordinator for the Florida Keys National Marine Sanctuary which is co-managed by NOAA and the State of Florida. She is currently the Program Coordinator for the non-profit Dolphin Ecology Project in the Florida Keys whose purpose is to support research and education on the interactions between marine mammals and the environment, and to promote restoration and conservation of marine and estuarine ecosystems. She can be reached at lengleby@aol.com.

Steller Sea Lion Critical Habitat Off Limits to Trawling in Alaska

The western population of Steller sea lions received a boost from the courts this summer when U.S. District Court Judge Thomas Zilly enjoined the North Pacific groundfish fishery, halting groundfish trawling within Steller sea lion critical habitat. This population of sea lions, once plentiful throughout the North Pacific, has declined by 80% since the 1970s. On July 19, 2000, Zilly granted a motion for a partial injunction of groundfish trawling within Steller critical habitat. On August 7, 2000, he issued a formal order enjoining the fishery on August 8, 2000 until further order of the court. For trawlers in Alaska, this decision ushered in a dramatic redirection in fishing effort since a significant percentage (as high a 83%) of the annual catch had occurred within the critical habitat areas.

Currently, the primary scientific theory for the seal lions' decline is nutritional stress. NOAA Fisheries believes that the Stellers may be competing with the groundfish fishery for prey resources. The fishery removes thousands of tons of fish from Steller critical habitat areas each year and this practice may be resulting in a lack of food for the sea lions.

The court's order follows a long string of litigation over NOAA Fisheries' assessments and management actions regarding the groundfish fishery and the endangered western population of Steller sea lions (the eastern population of Stellers is listed as threatened). In December of 1998, NOAA Fisheries issued two biological opinions assessing the impacts of the North Pacific groundfish fishery on Steller sea lions. In the first opinion, NOAA Fisheries determined that the pollock fishery was jeopardizing the continued existence of Steller sea lions in Alaska. The agency developed "reasonable and prudent alternatives" to be implemented to mitigate the effects of the fishery on Stellers, but the court ordered NOAA Fisheries to revise them.

In the second court opinion, the court ordered NOAA Fisheries to examine the effects of Fishery Management Plans (FMPs) in their entirety rather than looking at the effects of specific subsets of the fishery. NOAA Fisheries has reinitiated a more comprehensive consultation and expects to issue a revised opinion this fall.

For more information please visit the NOAA Fisheries Alaska Region's web site on Steller sea lions at: **www.fakr.noaa.gov/protectedresources/stellers.htm** *or contact Caroline Good at (301) 713-2322, ext. 117.*

Export and Comity Agreements for Live Marine Mammals

The Marine Mammal Protection Act (MMPA) Amendments of 1994 changed NOAA Fisheries' authority over marine mammals held for public display (*see MMPA Bulletin*, Issue No. 17, "Overview of the MMPA Amendments of 1994"). Permits are no longer required to export marine mammals held for public display to a foreign public display facility. However, the foreign receiving facility must meet the following U.S. public display criteria as specified in the MMPA: (1) offer a program for education or conservation purposes that is based on professionally recognized standards of the public display community; (2) meet or exceed standards comparable to those of the Animal Welfare Act (AWA); and (3) be open to the public on a regularly scheduled basis without access limitations other than an admission fee. The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA/APHIS) is responsible for administering the AWA, and therefore regulates the daily husbandry and care for marine mammals in public display facilities.

During the 1990s, approximately 100 marine mammals were exported to no less than 12 countries. Since 1994, questions have been raised about the U.S. government's ability and authority to provide continued protection for exported animals and their progeny. NOAA Fisheries is regularly contacted by organizations and private citizens that oppose any export from the U.S., as well as by organizations that support exports as an appropriate means to supplement breeding programs and to preclude the need for collection of marine mammals in U.S. waters. Regardless of the issues raised by either side, the MMPA provides for the export of marine mammals for public display under the conditions outlined above. Further, NOAA Fisheries is also charged with enforcing the requirements of the MMPA for public display without jurisdiction in foreign countries.

Comity Agreements

NOAA Fisheries helps ensure that the foreign facility meets, and will continue to meet, the public display requirements through the establishment of a "comity" agreement between the respective governments. A comity agreement is a courteous accord between nations seeking a common goal. They are used by a variety of federal agencies, including the State Department, to gain assurances for action where the U.S. lacks jurisdiction. For marine mammal exports, comity agreements set up diplomatic avenues, in advance of the export, so that assurances can be made that: (1) the foreign facility meets and will continue to meet the MMPA public display criteria; (2) the information submitted concerning the foreign facility is accurate; (3) the laws and regulations of the foreign government permit the enforcement of requirements equivalent to those of the MMPA and AWA and that the foreign government will enforce these laws if needed; and (4) the foreign government will afford comity to an enforcement decision made by NOAA Fisheries, including and up to the seizure or arrangements for other disposition of the animals, should the foreign facility act in a manner inconsistent with the requirements of the MMPA and AWA. These agreements are also a means to maintain communication with the foreign government and gain access to information as needed.

Comity agreements may also be written to contain detail on specific concerns. For example, Keiko, the killer whale from the *Free Willy* movies, was exported to Iceland by his caretakers for public display purposes. However, it was clear that the intent of this export was to prepare him for release to the wild. NOAA Fisheries considers release of long-term captive marine mammals to be experimental and requires issuance of a scientific research permit to ensure that: (1) there is appropriate scientific peer review of release protocols; and (2) the health and welfare of the release candidate and wild stocks of marine mammals are fully considered (see *MMPA Bulletin*, Nos. 8, 9, 12 and 15). Thus, for the export of Keiko to Iceland, the comity agreement between NOAA Fisheries and the Icelandic government stated that a scientific research permit would be in place before any release to the wild. Since this was a mutually agreeable condition, it was incorporated into that specific comity agreement. In other instances where animals will be maintained in natural environment enclosures, comity agreements may contain stipulations against voluntary or accidental release to the wild. As exported animals may not be indigenous to the area, the concern of release to the wild is heightened and these stipulations help raise the awareness of this issue between governments.

MMPA Mandates for Exports and Comity Agreements

Under the MMPA, NOAA Fisheries has an obligation to ensure that foreign facilities obtaining U.S. based marine mammals meet and continue to maintain the comparability requirement of the MMPA 104(c)(9). This section specifically states that:

"*No marine mammal may be exported for the purpose of public display, scientific research, or enhancing the survival or recovery of a species or stock unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit under this subsection for that purpose.*"

Section 104 (c)(2)(C) of the MMPA states that:

"*A person to which a marine mammal is sold or exported or to which possession of a marine mammal is otherwise transferred under authority of subparagraph (B) shall have the rights and responsibilities* [e.g., U.S. public display criteria] *described in subparagraph (B) with respect to the marine mammal without obtaining any additional permit or authorization under this Act.*"

Section 104(c)(2)(D) of the MMPA mandates that the Secretary of Commerce (through NOAA Fisheries), in concurrence with the Secretary of Agriculture (through USDA/APHIS), may revoke permits or seize animals should any person exercising their rights under 104(c)(2)(C) no longer meet or exceed USDA standards. As the U.S. does not have jurisdiction to

seize animals in foreign countries, comity agreements become a means to strengthen the potential for this action to occur if needed.

In the end, comity agreements are a reasonable diplomatic tool for protecting the welfare of live marine mammals exported from the U.S. under the limitations of the 1994 amendments to the MMPA. However, they are not absolute, and in some cases have not been effective. At other times, they have been instrumental in ensuring that foreign facilities meet comparable standards and are a critical step in achieving a common goal between nations: continued protection of exported marine mammals and their progeny.

For additional information about NOAA Fisheries' policy regarding the export of live marine mammals, please contact the Permits and Documentation Division, NOAA Fisheries Office of Protected Resources, at (301) 713-2289.

Examples of Comity Success and Failure

Comity Succeeds - Asian Facility

- U.S.-based company requests authorization to export two California sea lions to a public display facility in Asia.
- USDA/APHIS concurs on comparability standards based on documents submitted by the U.S. company.
- December 1998, comity agreement reached between U.S. and foreign governments.
- February 1999, sea lions exported.
- March 2000, NOAA Fisheries receives reports of inadequate animal care/maintenance conditions and custody disputes at the foreign facility. U.S. company staff stop shows as a protest. Aquarium management threatens to remove U.S. company staff and retain custody of animals leaving few staff to handle animal care.
- March 2000, after consultation with NOAA Fisheries, U.S. State Department requests assistance from the foreign government per the comity agreement.
- April 2000, NOAA Fisheries requests and receives detail on situation from U.S. company, including its efforts to diplomatically settle situation.
- In support of the comity agreement, foreign government reinforces U.S. company's ownership of animals and urges appropriate authorities to resolve differences quickly.
- June 2000, diplomatic pressures are too great for the foreign facility management and they agree to settle differences. U.S. company maintains custody and is granted primary management of animal care and support systems at the foreign facility.

Comity Fails - European Facility

- September 1985, a European public display facility obtains a U.S. permit to collect four bottlenose dolphins from the Gulf of Mexico. Three animals are collected and temporarily housed in the U.S.
- June 1986, foreign government confirms support of comity agreement.
- March 1992, animals exported.
- April 1992, NOAA Fisheries receives allegations, including photographs from a European magazine, of inhumane animal care at the foreign facility, including: (1) misrepresentation of previous animal deaths; (2) animal death due to aggression from other conspecifics; (3) presence of a nightclub directly connected to dolphin pools with insufficient sound barriers and presence of strobe lighting; (4) unauthorized transfer of U.S.-source animals to another foreign facility; and (5) housing of these transferred animals with dolphin infested with parasites.
- May 1992, NOAA Fisheries sends letter to the foreign government requesting investigation of these allegations.
- June 1992, Marine Mammal Commission contacts the foreign government's embassy in Washington, DC requesting they inspect the facility and enforce requirements.
- July 1992, foreign government responds stating they will no longer share information and cannot honor the comity agreement (because of conflicts between the U.S. Freedom of Information Act and foreign law protecting inventory data as "confidential" business information).
- June 1995 - present, NOAA Fisheries repeatedly contacts the foreign facility for updated Marine Mammal Inventory information on U.S.-source animals and their progeny. The foreign facility does not respond. Foreign government has provided no further information on whether the allegations were investigated and/or resolved.

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From the Editors...

Dr. Andy Rosenberg left his post as the Deputy Assistant Administrator for NOAA Fisheries to serve as the Dean of the University of New Hampshire's College of Life Sciences and Agriculture. He was with NOAA Fisheries for almost a decade and was the Deputy Assistant Administrator of NOAA Fisheries for about two years. Before that, he was the NOAA Fisheries Northeast Regional (NER) Administrator, where he was instrumental in establishing the right whale aircraft survey program (see *MMPA Bulletin* No. 14, "Mandatory Ship Reporting System and Other Right Whale Recovery Efforts"). This program has been invaluable to large whale research, stranding response, and disentanglement efforts.

While at NOAA Fisheries, Andy also held the positions of Acting Chief of Fishery Management and Operations in the NER, Research Specialist at NOAA Fisheries Headquarters, and Chief of the Coordination Section at the Northeast Fisheries Science Center. Andy's strong scientific and management background assisted him in developing and implementing recovery programs for endangered fish stocks and resource management policy, and in performing risk assessment for NOAA Fisheries. Science and policy weren't his only strong suits. He was considered an exceptional administrator and supervisor by his employees because of his dedication to the issues, and his assertiveness and follow-up in making decisions. As one member of the NER team put it, "Andy was a powerful leader within NOAA Fisheries, and he did it not by force, but by example and influence. He is a person of great courage, active mind, focused energy, and precise words. When he speaks, people listen."

Hopefully, heading back to New England will give Andy the chance to slow down from the fast pace of Headquarters and enjoy life near his family and friends along the Northeast coastline. Dr. Rosenburg's experience and dedication will be deeply missed.

Our new Deputy Assistant Administrator is Dr. William Hogarth, who most recently was the Regional Administrator for the Southeast Region (SER). Before that he was the Acting Regional Administrator for the Southwest Region (SWR). Among his many accomplishments at the SWR, Bill served as the U.S. Government Commissioner to the Inter-American Tropical Tuna Commission (IATTC) (see page 5) and was vital to the enactment of the International Dolphin Conservation Program Act (see *MMPA Bulletin* Issue No. 18, "NMFS Publishes the Interim Final Rule to Implement the IDCPA").

Dr. Hogarth left the comforts of life in Florida, where he watched dolphins in the coastal waters near his home to join the team in Silver Spring. He is considered by many to be virtually unflappable and after moving all over the country for NOAA Fisheries, he comes to Headquarters with much anticipation and excitement for the job. We at Headquarters all look forward to working with him.